

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ANDREW JAMES GARZA,

Plaintiff,

v.

HECTOR DOF, et al.,

Defendants.

Case No. 1:23-cv-01027-ADA-BAM

ORDER STRIKING UNSIGNED COMPLAINT
AND UNSIGNED APPLICATION TO PROCEED
IN FORMA PAUPERIS (Docs. 1 and 2)

ORDER REQUIRING PLAINTIFF TO FILE A
SIGNED COMPLAINT AND SIGNED
APPLICATION TO PROCEED IN FORMA
PAUPERIS WITHIN THIRTY DAYS

THIRTY (30) DAY DEADLINE

Plaintiff Andrew James Garza is proceeding pro se in this civil action. Plaintiff Garza filed the complaint in this action on July 10, 2023, (Doc. 1), together with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, (Doc. 2).

Upon review, the Court notes that neither the complaint nor the accompanying application to proceed *in forma pauperis* is signed by Plaintiff Garza. Both the Federal Rules of Civil Procedure and this Court's Local Rules require that all filed pleadings, motions, and papers be signed by the party personally if the party is unrepresented. Fed. R. Civ. P. 11(a); Local Rule 131(b). Since Plaintiff Garza's complaint and application are unsigned, the Court must strike them from the record. Plaintiff Garza will be permitted thirty (30) days to file a signed complaint

1 and a signed application to proceed *in forma pauperis* that comply with the Federal Rules of Civil
2 Procedure and the Local Rules.

3 Based on the foregoing, it is HEREBY ORDERED that:

4 1. Plaintiff's complaint and accompanying application to proceed *in forma pauperis*,
5 filed July 10, 2023, are STRICKEN from the record for lack of signature;

6 2. The Clerk of the Court is directed to serve this order and a blank *in forma pauperis*
7 application on Plaintiff;

8 3. Within **thirty (30) days** from the date of service of this order, Plaintiff SHALL file
9 (a) a signed complaint (or a notice of voluntary dismissal); and (b) the attached application to
10 proceed in forma pauperis, completed and signed, or in the alternative, pay the \$402.00 filing fee
11 for this action;

12 4. No extension of time will be granted without a showing of good cause; and

13 5. **Plaintiff is warned that the failure to comply with this order will result in**
14 **dismissal of this action, with prejudice, for failure to prosecute and failure to obey a court**
15 **order.**

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17 IT IS SO ORDERED.

18 Dated: July 13, 2023

19 /s/ Barbara A. McAuliffe
20 UNITED STATES MAGISTRATE JUDGE
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